

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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MICHAEL FRITZ,	:	
Plaintiff,	:	Civil Action No. 19-cv-15749-SRC-CLW
v.	:	
TERMINITE, INC., et al,	:	
Defendants.	:	

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**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT  
AND GENERAL RELEASE**

Plaintiff Michael Fritz ("Plaintiff") and Defendants Terminite, Inc., Brinks Tank Services, Inc. and Ronald Brink ("Defendants"), by and through counsel, file this Joint Motion for Approval of Parties' Settlement Agreement and General Release. In support of their Motion, the parties respectfully state as follows:

1. Plaintiff instituted this action in this Court, raising claims under Fair Labor Standards Act ("FLSA") seeking compensation for unpaid overtime regarding his employment with Defendants for a time period going back three years from the date Plaintiff filed his Complaint.
2. The compromise of a claim for back wages under the FLSA must be either supervised by the United States Department of Labor or approved by the district court. *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982). If the proposed settlement in an employee's FLSA suit reflects a reasonable compromise over the disputed issues, the district court is authorized to approve the settlement in order to promote the policy of encouraging settlement of litigation. *Id.* at 1354.
3. There is a bona fide dispute between the parties as to whether Plaintiff was paid all of the overtime compensation for which he was eligible during his employment with Defendants. Defendants

dispute any liability towards Plaintiff and contend that he was properly paid all compensation to which he was entitled under the FLSA, while Plaintiff claims he has a strong case.

4. Due to the uncertainties and costs of litigation, the parties have reached a settlement agreement in this matter in the form of Agreement which will not be filed, but will be submitted to the District Judge directly for inspection, for purposes of maintaining confidentiality, and will be referenced as Exhibit A herein.

5. The said agreement provides for Defendants to pay Plaintiff compensation, which includes all counsel fees and costs, to resolve his claims. The agreement is the product of extensive negotiations between the parties through their respective counsel. The parties agree that the settlement terms are a fair and equitable resolution of this matter and resolve all outstanding legal issues between them.

6. If approved by the Court, Defendant will make payment pursuant to the terms of the Settlement Agreement within 30 days of the Court's entry of an order approving the Settlement Agreement.

WHEREFORE, the parties respectfully request that the Court enter an order: 1) approving the terms of the settlement of Plaintiff's claims; 2) dismissing this action with prejudice; and 3) granting the parties such further relief as the Court deems just and appropriate.

Respectfully submitted on March 30, 2020.

/s/ Samuel A. Dion

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**ORDER**

On this \_\_\_\_ day of \_\_\_\_\_, 2020, after reviewing the terms of the proposed settlement between the parties herein and in consideration of the joint motion filed by the parties herein, it is hereby Ordered that the parties' joint motion to approve settlement is granted.

\_\_\_\_\_  
Stanley R. Chesler, U.S.D.J.